

Senate File 392 - Introduced

SENATE FILE 392

BY McCOY

A BILL FOR

1 An Act relating to whistleblower protection for state employees
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 70A.28, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. It shall not be a defense to an
4 alleged violation of subsection 1 or 2 that a person alleged
5 to have violated subsection 1 or 2 was acting within the scope
6 of the employee's office or employment as defined in section
7 669.2, subsection 1. The penalty and remedial provisions of
8 subsections 4 through 6 apply to a violation of subsection 1
9 or 2 by such a person.

10

EXPLANATION

11 This bill prohibits the assertion of a scope of employment
12 defense within the meaning of Code section 669.2(1) by an
13 employee of the state alleged to have violated the state
14 whistleblower law. The bill applies the penalty and remedial
15 provisions of the state whistleblower law to such an employee.
16 Under Code section 70A.28(4), a violation of the bill is a
17 simple misdemeanor. A simple misdemeanor is punishable by
18 confinement for no more than 30 days or a fine of at least
19 \$65 but not more than \$625 or both. Civil and administrative
20 remedies also apply.